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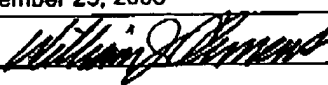

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 15990	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>September 23, 2008</u> Signature <u></u> Typed or printed name <u>William J. Clemens</u>		Application Number 09/888,323	Filed June 22, 2001
		First Named Inventor Wood	
		Art Unit 3629	Examiner J. Ouellette
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. <u>26,855</u> Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<u></u> Signature <u>William J. Clemens</u> Typed or printed name <u>248-960-2100</u> Telephone number <u>September 23, 2008</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WOOD et al.)	
)	Group Art Unit: 3629
Serial No.: 09/888,323)	
)	Examiner: J. Ouellette
Filed: June 22, 2001)	
)	Attorney Docket: 15990
For: METHOD AND SYSTEM FOR)	
DETERMINING PERSONAL ...)	Confirmation No.: 7211

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450PRE-APPEAL BRIEF REQUEST FOR REVIEW

Honorable Sir:

Review of the above-identified application is requested for the following reasons:

1. In the Final Office Action (FOA) dated June 23, 2008, the Examiner rejected Claims 37-46 and 54-56 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Official Notice. (FOA page 2) The Examiner rejected Claims 47, 48, and 51-53 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Smolen (US 5,915,243). (FOA page 6) The Examiner rejected Claims 49 and 50 under 35 U.S.C. 103(a) as being anticipated by Robertson in view of Desai et al. (US 6,618,746 B2). (FOA page 7)

2. The Examiner stated that as per independent Claim 37, Robertson discloses a method for determining personality type to facilitate the delivery of personality products, advice, or services. (FOA page 2) The Examiner admitted that Robertson fails to expressly disclose wherein the administrator is a third party. (FOA page 4) The Examiner took Official Notice that

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using a third-party to administer an element in a business method was a well known form of cost savings at the time the invention was made. (FOA page 4)

3. Applicant agrees with the Examiner that "using a third-party to administer an element in a business method was a well known form of cost savings at the time the invention was made." However, there is no step in Claim 37 wherein a third-party is administering an element in a business method as a form of cost savings. The third party administrator in Applicant's invention does not administer any portion of the claimed method for the system proprietor; rather the system proprietor runs the system for the benefit of the third party administrator. For example, the third party administrator can be an employer who wants a prospective employee tested.

4. The third party administrator simply provides "identifying information related to an individual user selected by the administrator" (Claim 37, step c.) and selects "ones of the tests and questions in the database to be presented to the individual user" (Claim 37, step d.). Not only is the system proprietor also involved in steps c. and d., the system proprietor performs all of the other steps in Claim 37. There is no language in Claim 37 that supports the conclusion that the third party administrator is administering the computer system on behalf of the system proprietor.


5. The Examiner stated that therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a third-party to administer the questionnaires in the method/system disclosed by Robertson, for the stated purpose of cost savings. The third party administrator doesn't administer the tests and questions to the user. See step f. of Claim 37 wherein the system proprietor administers the tests and questions.

6. All of the rejections set forth in the Final Office Action by the Examiner were addressed by Applicant in the Amendment filed October 17, 2007 in response to the same rejections set forth in the Office Action dated July 17, 2007.

7. Applicant's claimed method involves three parties. The first party operates the computer system, the second party is the individual user and the third party is the administrator that has limited remote access to the system. Robertson is a two party system (system operator and prospective insured, see Fig. 4) and does not identify or suggest such a third party administrator.

8. There is no combination of Robertson, Smolen and Desai that renders obvious the invention recited in Applicant's claims of record.

Respectfully submitted,


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